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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,101	10/31/2003	Ponani Gopalakrishnan	YOR920030447US1 (590.112)	1014
35195	7590	06/28/2006	EXAMINER TRAN, VINCENT HUY	
FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			ART UNIT 2115	PAPER NUMBER

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,101	GOPALAKRISHNAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent T. Tran	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/31/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The Office Action is responsive to the communication filed on October 31, 2003.
2. Claims 1-21 are pending form examination.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1, 11, 3 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1 and 11, although the applicant's specification did provided an ample of example regarding the information associated with a mobile device, which is utilize to configure the at least one resource; however, examiner fails to understand or see anywhere in the disclosure that described or pointed out clearly the claimed "obtaining information associated with the system."

Regarding claim 3, 13, although applicant did mention in paragraph 0021 and 0022 that "the information interaction needs of a user in a multi-modal distributed computing environment are often influenced by the location, device, available resources and other environmental factors;

however, there is no where in the applicant's disclosure that clearly pointed out the claimed obtaining the information associated with the capabilities of devices within the system.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-5, 11-15, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Spriestersback et al. US 20030148775 ("Spriestersback")

7. As per claim 11, Spriestersback discloses a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the method comprise step of:

obtaining information associated with a mobile device within the system [paragraph 0031, 0033];

obtaining information associated with the system [0032];

configuring said at least one resource based upon the information associated with the mobile device and the system [paragraph 0015-0016].

8. As per claim 12, Spriestersback discloses an information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [paragraph 0015-0017].

9. As per claim 13, Spriestersback discloses an information associated with the system includes information associated with the capabilities of devices within the system [paragraph 0032].

10. As per claim 14, Spriestersback discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [inherent – col. 4 line 40-55].

11. As per claim 15, Spriestersback discloses the characteristics of the environment in which the system is located are current characteristics [paragraph 0031, 0033].

12. As per claim 16, Spriestersback discloses the at least one resource to be configured is an interface resource [paragraph 0017, 0056].

13. As per claim 17, Spriestersback discloses the at least one resource be configured is a computing resource [paragraph 0035, 0036, 0052].

14. As per claim 18, Spriestersback discloses the computing resource is an application [paragraph 0034, 0061, 0066].

15. As per claim 19, Spriestersback discloses the application has multiple configuration and application is configured to be most appropriate for the environment in which the mobile device is located [paragraph 0034-0035].

16. As per claim 20, Spriestersback discloses the at least one resource to be configured is an information resources [paragraph 0034].

17. As per claim 1-10, Spriestersback teaches the method for resource configuration in a multi-modal distributed computing system. Therefore, Spriestersback teaches the system to perform the method.

18. As per claim 21, Spriestersback teaches the method for resource configuration in a multi-modal distributed computing system. Therefore, Spriestersback teaches a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method.

19. Claims 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rankin et al. U.S. Patent No. 6,879,838 ("Rankin").

20. As per claim 11, Rankin discloses a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the system comprising:

obtaining information associated with a mobile device within the system [col. 4 lines 12-15; from col. 4 line 61 to col. 5 line 12; col. 6 lines 33-51];

obtaining information associated with the system [col. 5 lines 12-15]

an arrangement for configuring said at least one resource based upon the information associated with the mobile device [col. 4 lines 51-54].

21. As per claim 12, Rankin discloses an information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [col. 4 lines 12-15; from col. 4 line 61 to col. 5 line 12; col. 6 lines 33-51].

22. As per claim 13, Rankin discloses an information associated with the system includes information associated with the capabilities of devices within the system [col. 5 lines 12-15; col. 7 lines 40-44].

23. As per claim 14, Rankin discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [col. 6 lines 33-51].

24. As per claim 15, Rankin discloses the characteristics of the environment in which the system is located are current characteristics [S4 fig. 4].

### ***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

27. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:



1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

28. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin as applied to claim 11 above, and further in view of Lenchik U.S. Patent No. 5,552,806.

29. As per claim 16, Rankin teaches the configuring of the at least one resource of the device include the obtaining information of the device limitations such as storage availability and user interface. However, Rankin does not explicitly teach the at least one resource is an interface resource.

Lenchik teaches another method of providing a selection of task and/or function icons on a display based on an operating environment locate [col. 2 lines 20-25]. Specifically, Lenchik teaches the modification of an interface resource based upon the information associated with the mobile device [col. 2 lines 27-47].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Rankin with the arrangement for configuring of the interface resource of the device as taught by Lenchik. The motivation would have been to reduce clutter and improve the user interface [col. 1 lines 32-57].

### ***Conclusion***

#### **Examiner's note:**

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Prior Art not relied upon:**

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Tran

A handwritten signature in black ink, consisting of a stylized, overlapping loop followed by a long, horizontal, slightly wavy line extending to the right.